

House Study Bill 245 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON BLOOMINGDALE)

A BILL FOR

1 An Act authorizing the reduction of damages payable to an
2 unresponsive property owner in condemnation proceedings and
3 including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 6B.33, Code 2019, is amended to read as
2 follows:

3 **6B.33 Costs and attorney fees.**

4 1. The acquiring agency shall pay all costs of the
5 assessment made by the commissioners and reasonable attorney
6 fees and costs, including the reasonable cost of one appraisal,
7 incurred by the condemnee as determined by the commissioners if
8 the award of the commissioners exceeds one hundred ten percent
9 of the final offer of the applicant prior to condemnation.
10 The condemnee shall submit an application for fees and costs
11 prior to adjournment of the final meeting of the compensation
12 commission held on the matter. The acquiring agency shall
13 file with the sheriff an affidavit setting forth the most
14 recent offer made to the person whose property is sought to be
15 condemned. Members of such commissions shall receive a per
16 diem of two hundred dollars and actual and necessary expenses
17 incurred in the performance of their official duties. The
18 acquiring agency shall reimburse the county sheriff for the per
19 diem and expense amounts paid by the sheriff to the members.
20 The acquiring agency shall reimburse the owner for the expenses
21 the owner incurred for recording fees, penalty costs for full
22 or partial prepayment of any preexisting recorded mortgage
23 entered into in good faith encumbering the property, and for
24 similar expenses incidental to conveying the property to the
25 acquiring agency. The acquiring agency shall also pay all
26 costs occasioned by the appeal, including reasonable attorney
27 fees and the reasonable cost incurred by the property owner for
28 one appraisal to be taxed by the court, unless on the trial
29 thereof the same or a lesser amount of damages is awarded than
30 was allowed by the tribunal from which the appeal was taken.
31 2. If the acquiring agency satisfies the requirements
32 of section 6B.57 relating to providing the notices and
33 documents required under this chapter, and the property owner
34 fails to timely respond to such notices, documents, or other
35 correspondence from the acquiring agency, the district court,

1 or the compensation commission, the amount of damages awarded
2 to the property owner shall be reduced by an amount equal to
3 the actual costs incurred and reasonable attorney fees paid by
4 the acquiring agency relating to the condemnation proceedings.

5 Sec. 2. APPLICABILITY. This Act applies to condemnation
6 proceedings for which the application filed under section 6B.3
7 is filed on or after July 1, 2019.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill provides that if an acquiring agency in a
12 condemnation proceeding satisfies the requirements of Code
13 section 6B.57 relating to providing the notices and documents
14 required under Code chapter 6B, and the property owner
15 fails to timely respond to such notices, documents, or other
16 correspondence from the acquiring agency, the district court,
17 or the compensation commission, the amount of damages awarded
18 to the property owner shall be reduced by an amount equal to
19 the actual costs incurred and reasonable attorney fees paid by
20 the acquiring agency relating to the condemnation proceedings.

21 The bill applies to condemnation proceedings for which the
22 application is filed on or after July 1, 2019.